

Palmyra Borough Council Meeting
Tuesday March 14, 2023
7:00 PM

President Shearer called the meeting to order at 7:00 PM in Council Chambers of the Palmyra Municipal Center, located at 325 S. Railroad St. Other Council members in attendance included Don Barry, Anthony Catalani, William Garber, Tom Miller, James Tesche, and Jane Quairoli. Also, in attendance were Police Chief Andy Winters, Borough Manager Roger Powl, and Assistant Borough Manager Brenda Pera. Mayor Fred Carpenter was absent from the meeting.

Public Comment Period #1

- Bronagh Houser and Harmonie Sherk from the VFW Post 6417 were in attendance to invite Council members to participate in the Memorial Day Parade.

Consent Calendar

- a. Approve the minutes of the February 28, 2023, Borough Council meeting.

Motion: To approve the consent calendar. Motion by Jane Quairoli, second by William Garber. Motion passed.

Action & Discussion Items

- a. 511 Red Haven Rd – Daryl Gerber – Zoning Hearing Board Decision Appeal:

Motion: To authorize the Borough Solicitor to enter a Notice of Intervention in the Petition for Appeal to Lebanon County Court of Common Pleas from the January 9, 2023 Decision of the Palmyra Zoning Hearing Board for a sight distance violation at 511 Red Haven Road. Motion by Jane Quairoli, second by Don Barry. Motion passed.

- b. Resolution #2023-07 – 2023 Fee Resolution:

Mr. Powl explained that the vacant property ordinance contained a provision to establish an additional fee that could be added each year to the \$200 vacant property fee for each year a property remains vacant. Neither he nor Ms. Pera could recall, or find evidence in the minutes, of whether Council desired to have a ratcheting vacant property fee or not. If so, the fee needs to be determined and included in this resolution. Chief Winters suggested a stiff \$500 fee be added each year because in his experience vacant properties increase policing problems in the area of the properties, and a stiff penalty may motivate the property owners to do something with the vacant properties. After a brief discussion, the majority of Council agreed to implement a \$100 per year fee to be added to the \$200 vacant property fee for each year a property remains vacant.

Motion: To approve Resolution #2023-07, a resolution to re-establish various fees for Borough issued permits, inspections fees, licensing fees, and other services, and for the submission and review of subdivision & land development plans, stormwater management plans, and inspections of improvements required by those plans. Motion by Jane Quairoli, second by Don Barry. Motion passed by a 6-1 vote with Anthony Catalani voting against the motion.

- c. Road Closure Request – Palmyra Civic Baseball – Opening Day Ceremony Parade:

Motion: To authorize the closure of the roads necessary for the Palmyra Civic Baseball Association to conduct an opening day parade on Saturday April 15, 2023 at 9:00 utilizing the following parade route:

- *Beginning at Forge Road Elementary School proceed south on S. Prince Street, turning east onto E. Cypress Street, turning south onto S. Duke Street, turning east onto E. Elm Street, turning south onto Sandalwood Drive, turning north onto Colonial Road, turning west onto Sycamore Lane, turning west onto E. Elm Street, turning north onto S. Duke Street, and finishing at the Forge Road Elementary School baseball fields.*

Motion by Anthony Catalani, second by Jane Quairoli. Motion passed.

- d. East Ridge Road - Melrose Phase 1 Plan – Request for Time Extension to Record the Plan: Borough Council discussed the request for a one-year time extension to submit financial security and record the final plan. Councilor Barry stated that the developer was in such a hurry to get the plan approved and now he is asking Borough Council for additional time. Council Quairoli commented that the current economy is not in the developer's favor for posting financial security for the project and constructing the project. Councilors Miller & Tesche agreed. After several more minutes of discussion, President Shearer asked for the vote.

Motion: To grant a one (1) year extension of time from May 31, 2023 until May 31, 2024 for the developer to post financial security for the project, and to record the final plans at the County courthouse. Motion by Jane Quairoli, second by James Tesche. The motion was defeated by a 4-3 vote with William Garber, Don Barry, Beth Shearer, and Anthony Catalani voting against the motion.

Reports

- a. President's Report: President Shearer announced that long-time Borough volunteer, Jim Gerber, Sr., passed away. He was instrumental in the planning for the Memorial Day and Holiday parades. She also announced that she has chosen not to run for re-election.
- b. Financial Report:
1. The Financial Statement for February 2023 will be available at the March 28, 2023 meeting.
 2. Delinquent Sewer & Refuse Account Report: Ms. Pera provided a copy of the February 2023 report. Ms. Pera did mention that there are a few properties that may be on the next agenda for Writ of Scire Facias.
- c. Fire Department: There was no report.
- d. Police Department: Chief Winters provided a copy of the Regional Police Charter Agreement that was reviewed by the Solicitor. He explained that Annville Twp agrees with how the Charter is written. Councilor Quairoli pointed out a few editing errors to be corrected.

Motion: To approve the Regional Police Charter Agreement as presented and have the Solicitor develop an Intermunicipal Agreement for the Regional Police Department. Motion by Jane Quairoli, second by Don Barry. Motion passed.

- e. Planning Commission: The Commission did not meet in February 2023.
- f. Public Works Department:
1. Superintendent's Monthly Report: Mr. Powl provided a copy of the February 2023 report.
 2. Borough Properties:
 - a. Municipal Building – 325 S. Railroad Street: HVAC System: Mr. Powl announced that staff has a meeting with a control system contractor to discuss the initial controls

upgrade to the HVAC system. The intention is to get a cost for the upgrade and then budget for that cost in the 2024 budget.

- b. Public Works Department – 910 E. Broad Street: Councilor Miller asked about how the hiring is going for a new public works employee and if we still need a skilled laborer versus just a laborer. Mr. Powl commented that a new employee will need to have at least a CDL B license since the Borough can no longer train due to changes in the law. He also mentioned that the individual should have some experience with equipment, so it is more of a skilled laborer position. There is also a summer help position, but interested applicants must be at least 18 years of age to be able to drive a Borough vehicle.

Mr. Powl shared a thank you from Scott Plouse, Public Works Superintendent, for agreeing to building the new Public Works building. He reported that Mr. Plouse was able to purchase parts to repair the Borough's backhoe in the new building instead of sending it out for repairs. The estimated repairs would have cost the Borough \$4,500, but the new building provided a location to make the repairs in house.

- c. Town Square:
- d. Vacant Lot – 40 E. Front Street:
- e. Vacant Lot – Northeast corner of the intersection of N. Lingle Ave and W. Main Street: Mr. Powl informed Council that the owner of one of the three parcels located between the old North Avenue stub and Palm Street stopped in the office inquiring about locating a fruit stand on his parcel. These three parcels are in Derry Township, but a portion is in the Borough due to the way the County line splits the properties. Derry Township maintains the properties even though the previous owners kept the remnants of their property after the intersection improvements. The property owner owns the center property and inquired about the zoning requirements for placing a fruit stand on the portion of his property that is only in the Borough. Several Council members expressed their concern for the traffic and lack of parking for the business. Mr. Powl commented that more information will be available once a zoning application is submitted to the Borough.
- f. Vacant Lot (Shaffer-Erb Tract) – south side 900 Block East Cherry Street:

3. Cemetery:

4. Parks: (Heritage Park, Palmyra Memorial Park, and Southeast Park)

5. Refuse & Recycling:

6. Sewer System:

- a. Pump Station #3 Wet Well Cleaning – Budget Transfer: Mr. Powl explained that the wet well needed to be cleaned at Pump Station #3, so Kline's Services was called to pump out the well. Since it was an unbudgeted task, he needs Council approval to transfer funds out of the Special Sewer Fund.

Motion: To authorize the Borough Treasurer to transfer \$3,065 from the Special Sewer Fund to Sewer Fund Budget Line Item #08.429.372.3 to cover the costs of an unanticipated expense of hiring a contractor to clean the wet well at sewer Pump Station #3. Motion by Jane Quairola, second by Don Barry. Motion passed.

7. Sinkholes:

a. New:

1. Apple Alley & S. Franklin Street Sinkhole Repair Update: Mr. Powl reported the remaining items for this area are for Public Works to repair the sewer main line and then regrade the alley and intersection to eliminate the depression and ponding of water.

b. Old:

1. 800 Block E. Main Street: (Center turn lane of US422 in front of Sheetz) – PennDOT is scheduled to begin work on this area in the near future.
2. 223 S. Locust Street: (PASD failed injection well)

8. Stormwater Management:

- a. Phase A Stormwater Management System: (north of railroad tracks - west of N. Grant St.):
- b. MS4 Bio-Swale Project Update (west of S. Lingle Ave): RETTEW has completed the survey of this area and will begin working on the design for the project.

9. Street & Alley Maintenance: Mr. Powl stated that Public Works is grading and repairing alleys as weather permits.

10. Traffic Signals:

- g. Solicitor's Report: There was no report.

- h. Zoning & Codes Enforcement: Mr. Powl provided a copy of the February 2023 report.

1. Zoning Hearing Board hearing conducted on Monday, March 13th.
 - a. 754 N. Railroad Street (Catherine Hardy/Salvatore & Brandi Giunta):
 - Seeking Variance of Section 380-15(B) (Permitted Uses – Town Residential District)
 - Seeking Variance of Section 380-38 (Off-Street Parking Spaces Required)

Mr. Powl reported that the Board continued the hearing to the April 10th meeting date because the applicant did not have any information available for the hearing. The Board advised the applicant to pull together the necessary information on what they are hoping to do at the property and bring it to the next meeting. Council did not wish to take a position on the application.

2. Zoning Enforcement Action – Filling Station Consent Agreement: Mr. Powl provided a copy of an amendment to the original consent agreement for the Mrakovich property located at 320 W. Main Street. The agreement includes the reimbursement of attorney's fees and a penalty of \$1,500, which the Mrakovich's have indicated they are opposed to. The Solicitor needs to know if Council intends to charge a penalty in addition to the attorney's fees. Council discussed the penalty and agreed to keep the \$1,500 in the amendment due to the property owners ignoring their responsibility for implementing the original consent agreement.

Motion: To approve moving forward with the amendment to the original consent agreement between Michael and Nathan Mrakovich and the Borough including a \$1,500 penalty and reimbursement for attorney's fees. Motion by Jane Quairola, second by Beth Shearer. Motion passed.

- i. Borough Manager's Report: Mr. Powl reported that Lebtown News and Fox 43 are running articles about the borough-wide geophysical study that the Borough is doing with ARM Group, Inc. Fox 43 was also interested in more information about the sinkhole located in the detention basin by the Orchard Hill development.

Other Business

- Councilor Garber inquired about no date on the Codes Enforcement report provided for the month. He also wondered if the meeting with the municipalities and the school district was going to be held in March. Mr. Powl stated that North Londonderry Township did not participate in the first meeting, so South Londonderry Twp doesn't see the benefit in having the elected officials meet. There may be a meeting scheduled once a year or so in the future, but nothing on the immediate calendar. Superintendent Kepler will continue to meet at least quarterly with the municipal managers to keep the lines of communication open between the municipalities and school district.
- Councilor Barry thanked the Borough Manager for the new flags at Memorial Park.
- President Shearer inquired if the cardboard dumpster and magazine dumpster are still available on E. Broad Street.
- Councilor Tesche asked who is up for election on Council in 2023, and, who is running or not running for re-election. Councilor Shearer, Barry, and Miller all stated that they are not intending to run for re-election.
- Councilor Catalani reported on his conversation with the Palmyra Garden Club President regarding the beautification of Main Street. He also mentioned the property maintenance issues at 138 N. Railroad Street.

Public Comment Period #2

There were no public comments.

Announcement

President Shearer announced that Borough Council will conduct its next public meetings on Tuesday, March 28, 2023, and Tuesday April 11, 2023 beginning at 7:00 PM.

Motion to Adjourn

Motion to adjourn the meeting by Jane Quairola, second by William Garber. The meeting adjourned at 8:20 PM.

Respectfully submitted,

Roger E. Powl
Borough Manager